

**STATE OF CONNECTICUT  
OFFICE OF THE CHILD ADVOCATE  
165 CAPITOL AVE, HARTFORD, CONNECTICUT 06106**



**Sarah Healy Eagan, J.D.**  
**Child Advocate**

TESTIMONY FROM THE OFFICE OF THE CHILD ADVOCATE

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Senator Anwar and Representative Linehan, Senator Kelly, Representative Dauphanais, and all distinguished members of the Children’s Committee, this testimony is being submitted on behalf of the Office of the Child Advocate (“OCA”). The obligations of the OCA are to review, investigate, and make recommendations regarding how our publicly funded state and local systems meet the needs of vulnerable children.

**H.B. 5352 (RAISED) AN ACT PROHIBITING THE WITHHOLDING OF RECESS AS A FORM OF STUDENT DISCIPLINE.**

OCA STRONGLY supports this bill as necessary to help implement the existing state mandate that all young children have twenty minutes of recess per day. The current amount of time for children to play in elementary school is already not developmentally appropriate or adequate. Play is an essential predicate for and means of learning for children. The lack of adequate physical and social-emotional play opportunities in school has a negative impact on children. Disciplining of children should not include elimination of recess unless absolutely unavoidable to address an immediate safety concern involving the child.

**S.B. No. 308 (RAISED) AN ACT CONCERNING THE RECOMMENDATIONS OF THE OFFICE OF THE CHILD ADVOCATE.**

Consistent with the independent oversight obligations of the Office of the Child Advocate, the proposed changes in the bill are designed to: 1) reinstate the advisory structure for the Office of the Child Advocate. ensure evaluation of the Child Advocate’s performance, standardize compensation for the Child Advocate; and 2) address the need for minor or technical fixes in the statute regarding the responsibilities of the Child Advocate, the acquisition and disclosure of records, and extending retaliation protections for individuals who make good faith complaints to the Office of the Child Advocate.

Among other responsibilities, the OCA is required to “evaluate the delivery of services to children by state agencies...review complaints of persons concerning the actions of any state or municipal agency providing services to children” and “take all possible action ... to secure and ensure the legal, civil and

special rights of children who reside in this state.” The Child Advocate is required “to act independently of any state department in the performance of the advocate’s duties.” Given the OCA’s obligation to oversee and investigate the work of state agencies, it is important that the essential functions of the OCA and work of the Office are subject to independent review. The OCA is currently in discussions with the Office of the Governor regarding this proposal and hopes to come to mutual agreement.

### Advisory Committee

Current statute provides that “upon any vacancy in the position of Child Advocate” the Advisory Committee to the OCA shall select three ranked candidates for the position of the Child Advocate. The Governor then designates the Child Advocate from the ranked choices. The statute provides that the Child Advocate, upon confirmation, serves a term of four years and may be reappointed. The statute does not include an evaluative function for the OCA Advisory Committee and does not include specific language regarding the re-appointment process or evaluation of the Child Advocate’s performance. Prior to changes in state statute in 2011, the Advisory Committee was required to meet “three times a year with the Child Advocate and his staff,” to review patterns of treatment and services for children, policy implications, necessary systemic improvements and the effectiveness of the OCA. This language was removed in 2011.

OCA recommends restoring the Advisory Committee as a body that reviews the work of the OCA, and that ultimately makes a recommendation regarding re-appointment of the Child Advocate to the Governor. The OCA also recommends linking compensation for the Child Advocate to a statutory scale as is done for state magistrates given the independent and non-partisan nature of family magistrate work. The magistrate salary is currently in the middle of the existing salary band for independent agency positions, including the OCA, established by the Department of Administrative Services.<sup>1</sup>

### Additional Changes

- OCA is obligated to review and report on conditions of confinement for children “twenty years of age or younger who are held in secure detention or correctional confinement” in the state. OCA recommends changing age twenty to age “twenty-one” as the DOC facility that houses the majority of adolescent males, Manson Youth, confines youth age 15 to 21. It is more efficient to examine conditions for youth throughout the facility without having to consistently clip data points.

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<sup>1</sup> Several states that have independent child ombudsman/oversight agencies like the OCA have frameworks for independent evaluation, appointment, and compensation for the agency. Examples: In South Carolina, the Child Advocate is appointed for six years from a list provided to the Governor by the Joint Citizens and Legislative Committee on Children, may be removed for cause, and compensation is established by a statutory commission; In New Hampshire, the Governor appoints the Child Advocate from the recommendations of an Oversight Commission, and the Commission provides oversight to the Office of the Child Advocate; In Massachusetts, the Child Advocate is appointed by a majority vote of the attorney general, the state auditor and the governor from a list of three nominees from a nominating committee, and an advisory council reviews the annual work of the Child Advocate and sets the salary for the Child Advocate; in Colorado, an independent, nonpartisan child protection ombudsman board appoints the Child Protection Ombudsman, sets compensation and advises the Ombuds Office.

- Statute provides OCA with access to any information “necessary to carry out the responsibilities of the Child Advocate.” OCA recommends including the word “promptly,” and requiring that child-specific records be provided within 14 days of the date of request.
- OCA’s statute provides that a public employee may not be discriminated/retaliated against for making a “good faith” complaint to the Child Advocate or cooperating with an OCA investigation. OCA recommends extending the non-retaliation clause to staff of agencies providing “publicly funded services.”<sup>2</sup>

**S.B. No. 309 AN ACT EXTENDING THE AGE OF ELIGIBILITY FOR LEGAL REPRESENTATION PROVIDED BY THE DEPARTMENT OF CHILDREN AND FAMILIES.**

OCA supports the intent of this bill which is to require the state to extend legal representation to children and youth still receiving supports or supervision from DCF past their 18th birthday. The bill will benefit DCF involved youth who are “aging out” of DCF at age 18 due to the lack of a permanent connection, a parent/guardian, in their lives. According to state data, there are approximately 400 such youth at any given time. While DCF policy can extend foster care support for youth up to age 23 if they are still engaged in training, school, or job supports, unlike many states, Connecticut youth are not entitled to an attorney once they turn 18. These youth remain dependent on state services and supports to help meet their basic daily living needs. They are highly vulnerable due to a history of trauma and lack of family guardian. These youth need help navigating contract negotiations with DCF, administrative hearings, occasional court proceedings, appropriate educational services, and their ever-changing living arrangements, as well as advocating for access to the various stipends they are uniquely entitled to. Many youth also have disabilities, increasing their need for adult support and advocacy.

Numerous states provide legal services for youth in extended foster care already, including Massachusetts, New York, Pennsylvania, and several others. It is important to note that in January 2019, the U.S. Children’s Bureau, a division of the Department of Health and Human Services, changed its policies to permit payment of federal matching funds under Title IV-E of the Social Security Act to help cover the costs of representing children in dependency proceedings. This funding source should be examined to see if it can help support implementation of this needed reform.

Respectfully submitted,

Sarah Healy Eagan, JD

Child Advocate

State of Connecticut

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<sup>2</sup> OCA was recently informed by an employee of a human services agency that they were disciplined for bringing a concern about a child to OCA’s attention.